

**REMARKS**

In sections 3-15 of the Office Action, the Examiner rejects claims 2-7, 10-13, 17 and 18 under 35 USC 102(e) as being anticipated by Ginter et al. (US PG Pub 2003/0088784). These rejections are respectfully traversed.

To enter a proper rejection under 35 USC 102(e), the cited application or patent must be filed "before the invention by the applicant for patent". The filing date (March 25, 2002) of Ginter et al. (US PG Pub 2003/0088784) is later than the filing date (January 18, 2002) and the priority date (February 12, 1998) of the present application. Thus, the Applicant believes that a rejection under 35 USC 102(e) is improper.

Moreover, the Applicant believes that the limitations of the claimed invention are clearly not anticipated by Ginter et al. For example, Ginter et al. does not disclose, teach, or suggest the following features recited by claim 2 of the present application:

"a mediator";

"said key comprising a first portion, a second portion, a third portion, and a fourth portion";

"the owner provides the source with the first and third portions of the key and provides a mediator with the fourth portion of the key, which can combine with the third portion of the key to generate a complete key"; and

"(c) the consumer provides the owner with the payment;  
and either:

(d1) the owner provides the source with the second portion of the key

and said first portion of the key is combined with said second portion of the key to generate a complete key; or

(d2) the owner does not provide the source with the second key portion, and the third key portion is combined with the fourth key portion to generate a complete key”.

Ginter et al. discloses a virtual distribution environment (VDE) that may enforce a secure chain of handling and control, for example, to control and/or meter or otherwise monitor use of electronically stored or disseminated information. Ginter et al.’s VDE method is quite different from the method of the present application. For example, it appears that Ginter et al. nowhere discloses a key having four portions, in which the owner provides the source with the first and third portions of the key and provides a mediator with the fourth portion of the key, which can combine with the third portion of the key to generate a complete key, as recited by claim 2 of the present application. In fact, it seems that Ginter et al. does not mention a mediator at all.

In the Office Action, the Examiner merely copies contents of claims 2-7, 10-13, 17-18 and asserts that all the limitations are disclosed at paragraph 0273, 0398, 0644, 1507, 1529, 2148, 2338 of Ginter et al. This makes it impossible or very difficult for the Applicant to argue against the Examiner’s remarks specifically because it is not clear how these cited passages (seems to be largely irrelevant) teach limitations of the claimed invention.

Pursuant to Patent Rules §1.104(c)(2), in rejecting claims for want of

novelty or for obviousness, "the examiner must cite the best references at his or her command." Also, "when a reference is complex or shows or describes inventions other than that claimed by the applicant, the **particular part** relied on must be designated **as nearly as practicable**." Further, "[t]he pertinence of each reference, if not apparent, must be **clearly explained** and each rejected claim specified."

Ginter et al. contains 183 pages of description and 146 sheets of drawings and certainly is a complex reference. The Examiner is respectfully requested to identify the specific features of Ginter et al. that correspond to each elements of the claimed invention, particularly those quoted above. For example, what are the elements in Ginter et al. that correspond to a key having a first portion, a second portion, a third portion, and a fourth portion? Where does Ginter et al. disclose "the owner provides the source with the first and third portions of the key and provides a mediator with the fourth portion of the key, which can combine with the third portion of the key to generate a complete key", or "the owner provides the source with the second portion of the key and said first portion of the key is combined with said second portion of the key to generate a complete key", or "the owner does not provide the source with the second key portion, and the third key portion is combined with the fourth key portion to generate a complete key", as recited by claim 2 of the present application? The Examiner is requested to either clearly explain the corresponding elements in Ginter et al. or withdraw the rejections.

MPEP 2131 states that a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently

described, in a single prior art reference,” quoting *Verdegaal Bros v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Since the Examiner fails to clarify how the above-quoted elements are taught in Ginter et al., the Applicant respectfully submits that claim 2 should be allowed.

Similarly, claim 7 recites, in part, “a memory for storing a first key portion and a third key portion”; “an element for receiving a second key portion or a fourth key portion”; and “an element for decrypting an encrypted document transmitted thereto in accordance with an encryption key defined by said first and said second key portions or said third and said fourth key portions.” Claim 18 recites, in part, “the owner provides a document source with a first and a third portion of the key to the consumer”; “the owner also provides a mediator with the fourth portion of the key, which can combine with the third portion of the key provided to the consumer to generate a complete key”; “the consumer provides the owner with the payment; and either (d1) the owner provides the document source with a second portion of the key, which can combine with said first portion to generate a complete key allowing the document to be printed; or (d2) the owner does not provide the source with the second key portion, and the mediator provides the consumer with third key portion is combined with the fourth key portion to generate a complete key allowing the document to be printed.” The Examiner fails to show how these features are taught in Ginter et al. Thus, claims 7 and 18 should also be allowed. Claims 3-6, 10-13 and 17 should be allowed, at least by virtue of their (direct or indirect) dependency from claim 1 or claim 7.

The Applicant has attempted to address all of the issues raised by the

Examiner in the Office Action as the Applicant understands them. The Applicant believes that the Application is now in condition for allowance. If any point requires further explanation, the Examiner is invited to telephone Troy Cai at (323) 934-2300 or e-mail Troy Cai at tcai@ladasparry.com.


The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account No. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

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Troy Guangyu Cai  
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(Signature)

9/18/03  
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Respectfully submitted,

  
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Expires: November 19, 2003

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Harry I. Moatz

Director of Enrollment and Discipline